

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4651 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VALAND KANTIBHAI BABABHAI

Appearance:

MR SM MAZGAONKAR for Petitioner

MR HM DAVE for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The workman-respondent was dismissed from the services of the Corporation. An industrial dispute has been raised by the respondent which has been referred to the Labour Court at Ahmedabad. The award has been passed on 22nd May, 1984 and the Labour court has held that the order of the dismissal dated 16-3-1982 is one of the punishment shockingly disproportionate while considering the nature

of misconduct, and the same was set aside. The award of reinstatement without any backwages has been given. The only contention made by the learned counsel for the petitioner is that when the punishment of the dismissal was held to be shockingly disproportionate, the Labour court should have substituted the same by some other punishment. I do not find any substance in this Sp. Civil Application and the award made by the labour Court does not call for interference. It is true that the punishment of dismissal was not substituted by lesser punishment, but the fact remains that the Labour court has not granted any backwages to the workman concerned. The grant of backwages was in the discretion of the Labour court and may not be a substitution of penalty for dismissal. The period of dismissal was more than two years and as such, this amount was substantial. One of the consideration for denial of the backwages might be, that the punishment of the dismissal was found to be shockingly disproportionate. In the result, this Sp. Civil Application fails and the same is dismissed. Rule discharged.
